



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 18 2014

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article Number: 7006-2760-0000-8644-5988

Mr. Marc Fried
General Counsel/Risk Manager
St. Louis Community College
300 South Broadway
St. Louis, Missouri 64102

RE: Meramec Community College
11333 Big Bend Boulevard
Kirkwood, Missouri 63122
RCRA ID No.: MOD124575564

Dear Mr. Fried:

Letter of Warning/Request for Information

On March 4, 2014, a representative of the U.S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and your March 31, 2014 response to the Notice of Violation (NOV). Based on these reviews, we have determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations, a list of questions and/or requested information, and instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Kevin D. Snowden, AWMD/WEMM, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Snowden, of my staff, at (913) 551-7022 or by email at snowden.kevin@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald Toensing', is written over the printed name.

Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures

cc: Ms. Nicole Eby, Missouri Department of Natural Resources
Missouri Department of Natural Resources St. Louis Regional Office

List of Violations
Meramec Community College
11333 Big Bend Boulevard
Kirkwood, Missouri 63122
RCRA ID No.: MOD124575564

1. *Title 10 Code of State Regulations (10 CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (40 CFR) 262.11—Failure to conduct hazardous waste determinations on the following waste streams:
 - a. spent gloves;
 - b. aerosols/chemicals in SW206A; and
 - c. autoclave indicator tape.
 2. +10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2)—Failure to date full containers of hazardous waste stored in SS207A.
 3. 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(5)(ii)(C)—Failure to post emergency information next to the telephone including:
 - the emergency coordinator's name;
 - the emergency coordinator's telephone number; and
 - the location of emergency equipment.
 4. *10 CSR 25-16.273(1) incorporating 40 CFR 273.15(a)—Storing Universal Waste batteries more than one year.
 5. *10 CSR 25-16.273(1) incorporating 40 CFR 273.14(e)—Failure to label or clearly mark each lamp or a container or package in which lamps are contained with one of the following phrases: "Universal Waste—Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)".
 6. *^10 CSR 25-16.273(1) incorporating 40 CFR 273.13(d)(1)—Failure to contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 7. ^10 CSR 25-5.262(2)(A)—Failure to update the facility's notification when changes occur (i.e., change of facility representative and telephone number).
- * - Your March 31, 2014, response to the NOV addressed this violation.
+ - This violation has been rescinded.
^ - This violation was not listed in the NOV dated March 4, 2014, and was added following the EPA's review of the RCRA CEI report.

Requested Information
Meramec Community College
11333 Big Bend Boulevard
Kirkwood, Missouri 63122
RCRA ID No.: MOD12457556

1. With regards to Violation No. 3, your facility's March 31, 2014, response to the NOV stated that, "We do not believe we are in violation of Section 262.34(d)(5)(i) as we have designated the Campus police department as the emergency coordinator." Your response also provided as Exhibit 3.a., a copy of the facility's "Act Now, Emergency Procedures" that you indicate are present within each room on campus including all science laboratories. The EPA notes that this document provides the telephone number for the Campus police department. However, your response does not address this violation. The EPA provided clarification regarding the Emergency Coordinator position in the *Federal Register* (51 FR 10164) attached to this letter. According to this *Federal Register*:

- At all times, an "emergency coordinator" (E.C.), (i.e., someone familiar with these requirements), must be on-site (or on call). The coordinator may also designate someone to act in his place;
- The generator must post certain information next to the telephone, including: the name and telephone number of the E.C.; location of fire extinguishers and spill control material; and the phone number of the fire department;
- The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures;
- The generator (or E.C.) would have to respond to any emergencies that arise. In the case where an emergency was serious enough to warrant a visit by the fire department or when the generator (or E.C.) has knowledge of a spill of hazardous waste that could reach surface water or otherwise threaten human health or the environment, the generator would have to notify the National Response Center and file a report with the EPA Regional Administrator. . . .

In addition, this *Federal Register* indicates that:

"Some commenters were concerned that the requirement that each business designate an emergency coordinator to be on call at all times would impose an undue burden because this would require that the emergency coordinator be trained in emergency response procedures. One commenter believed that the term "emergency coordinator" would be confusing since it implies that *the individual (emphasis added)* must have a high degree of training in risk assessment and abatement. The intent of this requirement was simply to ensure that each generation facility had at least one person available at all times who could be contacted and would know what steps to take in the event that an emergency should arise."

Based on this information, Meramec Community College is required to name at least one individual to act as the facility's Emergency Coordinator. Therefore, your response to Violation No. 3 should provide the following information which shows that you have corrected this violation.

- a. the name(s) of the individual who has been designated as the Emergency Coordinator;
- b. the telephone number(s) of the individual(s) designated as the Emergency Coordinator;

- c. a copy of the posting showing the name(s) and number(s) of the Emergency Coordinator and fire department (unless the facility has a direct alarm), and the location(s) of the fire extinguishers and spill control material, and, if present, fire alarm(s);
 - d. photograph(s) showing the posting in relation to the facility telephone; and
 - e. photograph(s) showing the location(s) of the fire extinguishers and spill control material, and, if present, fire alarm(s).
2. With regards to Violation No. 7, please provide documentation showing that your facility has provided an updated facility notification to the Missouri Department of Natural Resources (MDNR) which includes the name and position of the current facility representative and the facility's telephone number.

3007 RESPONSE INSTRUCTIONS

Identify the Person(s) responding to this request on your behalf.

Address each numbered item separately, and precede each answer with the number of the item to which it responds.

For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)

For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.

For each numbered item, identify all persons consulted in the preparation of the answer.

For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.

If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.

If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.

If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.

You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."

The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.

A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.

Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.

The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

could require that preparedness and prevention measures be maintained throughout every portion of the generator's property instead of just those areas where waste is accumulated. EPA has never intended its broad definition of "facility" [see 50 FR 28712] to be used in application of the preparedness and prevention regulations; rather, the definition of "facility" in § 260.10 is used. Applying this narrower definition makes clear that the preparedness and prevention regulations only require the generator to take those precautions and maintain that equipment necessary to ensure that they are adequately prepared to respond to emergencies relating to the hazardous waste operations of the facility. If special equipment or precautions are not needed for this purpose in areas of a facility where hazardous wastes are not managed, then a generator is not expected to maintain them in those areas. At the same time, however, other precautions, such as adequate aisle space, may be needed in areas outside of the immediate waste accumulation area in order to ensure adequate access to emergency equipment in the event of a fire, explosion, or release of hazardous waste or hazardous waste constituents.

For the reasons discussed above, the Agency does not believe that modifications to Subpart C of Part 265 are appropriate for generators of 100–1000 kg/mo and is, therefore, applying the existing Subpart C requirements to these generators.

ii. Standards for Contingency Plans and Emergency Procedures—Part 265, Subpart D, and Personnel Training Requirements: Under § 262.34(a), generators who accumulate waste on-site must comply with certain requirements in Part 265, Subpart D, pertaining to contingency plans and emergency procedures and personnel training requirements. These requirements are contained in § 265.16. The § 265.16 requirements are intended to ensure that personnel are adequately prepared to manage hazardous waste and to respond to any emergencies that are likely to arise. EPA considered applying these same requirements to 100–1000 kg/mo generators since, for the most part, the requirements embody common sense principles that are necessary and appropriate for facilities managing hazardous waste. However, these requirements appeared to be unnecessarily burdensome in some cases (e.g. requiring formal classroom training and written, detailed contingency plans) and costly and could have unnecessarily severe impacts on many small businesses. The Agency

therefore proposed a simpler set of requirements for generators of 100–1000 kg/mo to reduce the administrative burden on small businesses while still protecting human health and the environment.

EPA proposed and requested public comment on the following requirements for 100–1000 kg/mo generators that would be contained in a new § 262.34(d):

- At all times, an "emergency coordinator" (E.C.), (i.e., someone familiar with these requirements), must be on-site (or on call). The coordinator may also designate someone to act in his place.
- The generator must post certain information next to the telephone, including: the name and telephone number of the E.C.; location of fire extinguishers and spill control material; and the phone number of the fire department;
- The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures;
- The generator (or the E.C.) would have to respond to any emergencies that arise. In the case where an emergency was serious enough to warrant a visit by the fire department or when the generator (or E.C.) has knowledge of a spill of hazardous waste that could reach surface water or otherwise threaten human health or the environment, the generator would have to notify the National Response Center and file a report with the EPA Regional Administrator as provided by proposed § 262.34(c)(3)(E).

EPA believed these requirements to be adequate to protect public health and the environment from fires, leaks, spills, or other releases from generators of 100–1000 kg/mo who are accumulating waste on-site prior to shipment off-site.

While many commenters supported the reduced contingency plan, emergency procedures, and personnel training requirements as proposed, a number of commenters did not agree with the proposed modifications. Several commenters believed that relaxing the standards for on-site accumulation for 100–1000 kg/mo generators would not be appropriate given the increased quantities of waste which can be accumulated (i.e., 6000 kg) and the generally less sophisticated waste management expertise of smaller firms. Some commenters suggested various approaches including requiring full Subpart D compliance for all quantities accumulated above specific limits, such as 1000 kg or 3000 kg. Other commenters argued that the reduced standards were appropriate not only for

generators of 100–1000 kg/mo, but also to larger generators and suggested that the reduced standards apply to all accumulated quantities between 1000 kg and 6000 kg.

Since the Agency recognized in the proposed rules that applying standards to 100–1000 kg/mo generators accumulating waste on-site in quantities up to 6000 kg was of some concern, it was careful to modify the standards only where administrative requirements not essential to the substantive functioning of the standards were involved. Thus, the standards, as modified, are sufficient to protect human health and the environment from release of wastes accumulated by 100–1000 kg/mo generators.

EPA does not believe it is appropriate to apply the reduced standards to wastes accumulated by generators of more than 1000 kg/mo. As previously discussed, EPA's authority to consider areas in which to reduce burdens extends to small quantity generators. Also, as discussed in Unit III.A. above, the relative risks posed by wastes accumulated by large quantity generators are greater. Thus, generators of greater than 1000 kg/mo must comply with the requirements of Subpart D of Part 265 if wastes are accumulated on-site prior to shipment off-site.

A number of commenters also suggested several modifications to the proposed standards. Some commenters were concerned that the requirement that each business designate an emergency coordinator to be on call at all times would impose an undue burden because this would require that the emergency coordinator be trained in emergency response procedures. One commenter believed that the term "emergency coordinator" would be confusing since it implies that the individual must have a high degree of training in risk assessment and abatement.

The intent of this requirement was simply to ensure that each generation facility had at least one person available at all times who could be contacted and would know what steps to take in the event that an emergency should arise. EPA envisioned that for most small businesses, the owner or manager already fulfills this requirement by being available 24 hours a day in case an emergency, such as a fire or burglary, occurs at that facility. EPA does not intend that generators must hire and train a new employee for this task. Viewed in this light, this requirement is reasonable and not unduly burdensome. In addition, there is no reason why small businesses would confuse the

